

### **REMARKS/ARGUMENTS**

Claims 1-14, and 16-50 are pending and at issue, claim 15 having been canceled and claims 41-50 having been added by this amendment.

The title has been amended to render same consistent with the scope of the claims. No new matter has been added by this amendment.

In accordance with the examiner's indications of allowability, claims 9, 12, 16, and 18 have been rewritten in independent form including all of the recitations of the original base claims and any intervening claims thereof, except as noted in detail immediately below.

With additional regard to claim 18, the word "another" has been replaced with the phrase "a second" in order to clearly differentiate between the first and second recited openings in communication with the air intake chamber and the air outflow chamber. This amendment does not alter the scope of claim 18 from the original scope thereof.

Claims 8 and 17 have been amended only to correct grammatical errors. These amendments do not alter the scopes of claims 8 and 17 from the original scopes thereof.

The undersigned respectfully traverses the rejections of claims 1-4, 6, and 11 as either anticipated by Meltzer or rendered obvious over Meltzer in view of Lin.

Claim 1, and claims 2-4, 6, and 11 dependent directly or indirectly thereon, recite a flameless candle, comprising a housing defining an enclosure and a wall positioned in the enclosure forming an air intake chamber and an air outflow chamber. At least one opening proximate an end of the housing is in communication with ambient air and the air intake chamber, at least one opening is in communication with the air intake chamber and the air outflow chamber, and at least one opening proximate the end of the housing is in communication with the ambient air and the air outflow chamber.

Claim 41, and claims 42 and 43 dependent directly or indirectly thereon, recite a flameless candle comprising a housing including a sidewall defining an interior space and a directional air moving device for creating an air stream through an opening in the housing. A wax-like substance covers an exterior portion of the sidewall, and a fragrance source is in the interior space for communication with the air stream.

Claim 44, and claims 45 and 46 dependent directly or indirectly thereon, recite a flameless candle comprising a housing defining an interior space, an opening through the housing in air flow communication between the interior space and an exterior space, and a directional air moving device for creating an air stream from the interior space through the opening. A fragrance source is in the interior space for communication with the air stream, and a flameless light source is at least partly within the interior space and visible from the exterior space.

Claim 47, and claims 48-50 dependent directly thereon, recite a flameless candle comprising, a directional air mover for generating an air stream, a volatile dispersion member positioned to be at least partially in the air stream, and a sidewall defining an enclosure that contains the directional air mover and the dispersion device, wherein the sidewall is at least partly covered with a wax-like substance.

The prior art does not disclose or suggest a flameless candle including a housing, an air intake chamber, an air outflow chamber, an opening proximate an end of the housing in communication with ambient air and the air intake chamber, and an opening proximate the end of the housing in communication with ambient air and the air outflow chamber as recited in claims 1-4, 6, and 11.

In addition, the prior art does not disclose or suggest a flameless candle having a housing including a sidewall defining an interior space with a wax-like substance covering an exterior portion of the sidewall and a fragrance source positioned in the interior space for communication with an air stream through the opening created by a directional air moving device as recited in claims 41-43.

Further the prior art does not disclose or suggest a flameless candle including a fragrance source positioned in an interior space of a housing for communication with an air stream created by a directional air moving device and a flameless light source at least partly in the interior space and visible from the exterior space as recited in claims 44-46.

Further still, the prior art does not disclose or suggest a flameless candle including a volatile dispersion member positioned to be at least partially in an air stream generated by a directional air mover and a sidewall defining an enclosure that contains the directional air mover

and the dispersion device, wherein the sidewall is at least partly covered with a wax-like substance.

Rather, Meltzer discloses a device for simulating an open fire including a housing having a base and a cylindrical sidewall extending upwardly from the base defining an enclosure. An air inlet is located through the housing adjacent to the base, and an air outlet is located through an end of the housing opposite the base. An inner annular shoulder extending around the sidewall intermediate the air inlet and the air outlet defines an opening between an upper chamber and a lower chamber. A fan positioned in the lower chamber creates an air stream through the housing from the air inlet to the air outlet to oscillate flexible strips located over the air outlet and simulate a flame. A light bulb positioned in the upper chamber shines through the outlet onto the flexible strips to help simulate a flame.

Lin discloses a candle simulating device including a housing having a cylindrical sidewall and defining a chamber therein. A base member is inserted into a bottom portion of the sidewall such that the sidewall extends upwardly from the base. A blower located in the chamber moves air through the chamber from an air inlet through the base to an air outlet through a covering opposite the base in order to oscillate a flexible member on the covering and simulate a flame. A light located in the chamber shines through the air outlet and onto the flexible member to help simulate a flame.

Because no single piece of prior art discloses or suggests every recitation of any of the claims at issue, such claims are not anticipated thereby.

Further, because the prior art does not suggest an incentive for making the combinations recited in the claims at issue, it follows that claims 1-4, 6, and 41-46 are not rendered obvious thereby. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217, U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. at 973.


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For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and allowance thereof are respectfully requested.

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